



Federal Register

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Part XXVIII

National Aeronautics and Space Administration

Semiannual Regulatory Agenda

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Ch. V

Regulatory Agenda

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Semiannual regulatory agenda.

SUMMARY: NASA's regulatory agenda describes those regulations being considered for development or

amendment by NASA, the need and legal basis for the actions being considered, the name and telephone number of the knowledgeable official, whether a regulatory analysis is required, and the status of regulations previously reported.

ADDRESSES: Director, Management Assessment Division (Code JM), Office of Management Systems, NASA Headquarters, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Nanette Jennings, (202) 358-0819.

SUPPLEMENTARY INFORMATION: OMB guidelines dated January 19, 2001, "April 2001 Unified Agenda of Federal Regulatory and Deregulatory Actions" require a regulatory agenda of those regulations under development and review to be published in the **Federal Register** each April and October.

Dated: February 22, 2001.

John D. Werner,

Director, Management Assessment Division.

National Aeronautics and Space Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
3697	Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)	2700-AC43
3698	Cooperative Agreements With Commercial Firms	2700-AC44

National Aeronautics and Space Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
3699	Cross-Waiver of Liability	2700-AB51
3700	Meritorious Claims Arising From the Conduct of NASA Functions Under 42 U.S.C. 2473(c)(13)	2700-AC35
3701	NASA Standards of Conduct	2700-AC37
3702	Use of Small Self-Contained Payload	2700-AC39
3703	Code of Conduct for International Space Station Crew	2700-AC40

National Aeronautics and Space Administration—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
3704	Tracking and Data Relay Satellite System; Use and Reimbursement Policy for Non-U.S. Government Users	2700-AA29
3705	Miscellaneous Administrative Changes to the NASA Federal Acquisition Regulation Supplement (NFS)	2700-AC33
3706	Nondiscrimination on the Basis of Race, Color, National Origin, Handicap, and Age in Programs and Activities Receiving Federal Financial Assistance	2700-AC41

National Aeronautics and Space Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
3707	Grant and Cooperative Agreement Handbook	2700-AC34

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)

Proposed Rule Stage

3697. • GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)**Priority:** Substantive, Nonsignificant**Legal Authority:** PL 103-355, sec 108-3327**CFR Citation:** 14 CFR 1265**Legal Deadline:** None

Abstract: NASA is participating in a proposed common rule that proposes substantive changes and amendments to the Governmentwide nonprocurement common rule for debarment and suspension and the Governmentwide rule implementing the Drug-Free Workplace Act of 1988. The purpose of these proposed changes are as follows:

1. Resolve unnecessary technical differences between the procurement and nonprocurement debarment rules;
2. Make improvements to the existing common rule consistent with the purpose of the suspension and debarment system;
3. Revise the current approach to the style and format to use plain language; and

4. Move the drug-free workplace requirements currently in subpart F of the Debarment and Suspension Nonprocurement Common Rule to a new section.

Timetable:

Action	Date	FR Cite
NPRM	09/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Diane S. Thompson, National Aeronautics and Space Administration, NASA Headquarters (Code HC), 300 E Street SW, Washington, DC 20546
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RIN: 2700-AC43

3698. • COOPERATIVE AGREEMENTS WITH COMMERCIAL FIRMS**Priority:** Substantive, Nonsignificant**Legal Authority:** 31 USC 6301-6308**CFR Citation:** 14 CFR 1274**Legal Deadline:** None

Abstract: NASA's Grant and Cooperative Agreement Handbook will

be revised to clarify and provide additional guidance on the award and administration of cooperative agreements with commercial firms. This includes incorporating appropriate guidance on risk-centered approaches to acquisitions under cooperative agreements.

Timetable:

Action	Date	FR Cite
NPRM	10/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 2700-AC44

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)

Final Rule Stage

3699. CROSS-WAIVER OF LIABILITY**Priority:** Info./Admin./Other**Legal Authority:** 42 USC 2473**CFR Citation:** 14 CFR 1266**Legal Deadline:** None

Abstract: This provides technical amendments to implement the cross-waiver of liability provision of the intergovernmental agreement of the International Space Station and to refine and clarify contractual cross-waivers in NASA agreements involving launch services.

Timetable:

Action	Date	FR Cite
Final Action	01/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 2700-AB51

3700. MERITORIOUS CLAIMS ARISING FROM THE CONDUCT OF NASA FUNCTIONS UNDER 42 U.S.C. 2473(C)(13)**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2473; 31 USC 3104**CFR Citation:** 14 CFR 1267**Legal Deadline:** None

Abstract: This rule would establish NASA policies and procedures for

meritorious claims, other than Federal Tort Claims Act claims or claims otherwise covered under 14 CFR part 1261, arising from the conduct of NASA functions and pursuant to 203(c)(13) of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2473(c)(13)).

Timetable:

Action	Date	FR Cite
NPRM	12/21/99	64 FR 71339
NPRM Comment Period End	02/22/00	
Final Action	12/00/01	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Bernard J. Roan, Senior Attorney, National Aeronautics and Space Administration, Office of

NASA

Final Rule Stage

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RIN: 2700-AC35

3701. NASA STANDARDS OF CONDUCT

Priority: Info./Admin./Other

Legal Authority: 5 USC appendix (Ethics in Government Act of 1978, as amended); 5 USC 7301; 18 USC 208; 42 USC 2473(c)(1); 15 CFR 2640

CFR Citation: 14 CFR 1207.102; 5 CFR 6901

Legal Deadline: None

Abstract: Changes in references that are obsolete because of superseding Office of Government Ethics regulations and internal Agency reorganization.

Deletion of section to conform with superseding regulation (5 CFR 2640); revision of remainder to reflect organization changes.

This action is not required by action or court order. The changes are being made to rescind or amend NASA regulations that have already been published, pursuant to 42 U.S.C. 2473(c)(1).

Because the Agency is conforming with Office of Government Ethics regulations (5 CFR 2640), there are no alternatives to revision.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Sectors Affected: None

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RIN: 2700-AC37

3702. USE OF SMALL SELF-CONTAINED PAYLOAD

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 2473(c)(1), sec 203(c)(1); 42 USC 2465a and 2465d, sec 112 and 204, PL 101-661; 42 USC 14701 et seq, PL 101-611

CFR Citation: 14 CFR 1214.9

Legal Deadline: None

Abstract: This revised rule replaces 14 CFR part 1214.9 "Use of Small Self-Contained Payloads" and incorporates language from 14 CFR part 1214.10 "Special Policy on Use of Small Self-Contained Payloads (SSCP's) by Domestic Educational Institutions" and therefore deleting 14 CFR part 1214.10.

This revision ensures that NASA will continue to offer domestic educational institutions lower prices, relative to other users, for standard launch services and provides the domestic educational institutions a high priority ranking opportunity in the flight scheduling process of manifesting GAS payloads.

The domestic educational institutions are still required to meet certain criteria and agree to certain provisions established by NASA. However, NASA is changing the pricing structure for a defined group of Class I, domestic educational institutions based on the payload user classification, payload weight, and volume and depending on services required.

Also, with this revision, NASA established four classes of SSCP payloads, changed the definitions for Class II and Class III payloads, and created a separate classification, Class IV, for international payload customers. NASA has redefined the flight rotation process to incorporate the new classification. In redefining the flight rotation process, NASA provides the domestic educational institutions a higher priority ranking opportunity in the flight scheduling process of manifesting GAS payloads.

The option for transfer of ownership has been deleted from the policy. The requirements, such as payment schedules and detailed terms of postponement and cancellation, have been deleted from the CFR and will be addressed in the Launch Services Agreement, the binding contract between NASA and the customer.

Timetable:

Action	Date	FR Cite
Direct Final Rule	04/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2700-AC39

3703. CODE OF CONDUCT FOR INTERNATIONAL SPACE STATION CREW

Priority: Other Significant

Legal Authority: 42 USC 2455, 2473, 2475; 18 USC 799

CFR Citation: 14 CFR 1214, subpart 1214.4

Legal Deadline: None

Abstract: NASA is amending the title of 14 CFR and adding subpart 1214.4 to implement certain provisions of the International Space Station Intergovernmental Agreement regarding crew members' observance of a Code of Conduct.

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	10/01/00	
Interim Final Rule	12/21/00	65 FR 80302
Final Rule	08/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: E. Jason Steptoe, Associate General Counsel, National Aeronautics and Space Administration, Office of General Counsel (Code GS), 300 E Street SW, Washington, DC 20546
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RIN: 2700-AC40

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)

Long-Term Actions

3704. TRACKING AND DATA RELAY SATELLITE SYSTEM; USE AND REIMBURSEMENT POLICY FOR NON-U.S. GOVERNMENT USERS**Priority:** Info./Admin./Other**CFR Citation:** 14 CFR 1215**Timetable:**

Action	Date	FR Cite
Final Action for CY 1993 Rate Change	05/15/92	57 FR 20746
Final Action for CY 1994 Rate Change	09/28/93	58 FR 50515
Final Action for CY 1995 Rate Change	10/31/94	59 FR 54385
Final Action for CY 1997 Rate Change	05/15/95	60 FR 25843
Next Action Undetermined		

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Joseph LaCurto

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RIN: 2700-AA29**3705. MISCELLANEOUS ADMINISTRATIVE CHANGES TO THE NASA FEDERAL ACQUISITION REGULATION SUPPLEMENT (NFS)****Priority:** Info./Admin./Other**CFR Citation:** 48 CFR 1801 to 1872**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Celeste M. Dalton

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RIN: 2700-AC33**3706. NONDISCRIMINATION ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, HANDICAP, AND AGE IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE****Priority:** Substantive, Nonsignificant**CFR Citation:** 14 CFR 1250; 14 CFR 1251; 14 CFR 1252**Timetable:**

Action	Date	FR Cite
NPRM	12/06/00	65 FR 76460
NPRM Comment Period End	01/05/01	
Next Action Undetermined		

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Federal**Agency Contact:** George E. Reese

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RIN: 2700-AC41

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)

Completed Actions

3707. GRANT AND COOPERATIVE AGREEMENT HANDBOOK**Priority:** Substantive, Nonsignificant**CFR Citation:** 14 CFR 1260; 14 CFR 1274**Completed:**

Reason	Date	FR Cite
Final Action	10/19/00	65 FR 62900
Final Action Effective	10/19/00	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Diane S. Thompson

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RIN: 2700-AC34

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